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SENSITIVE  
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TAGS: PHUM PREL KWMN KTIP SOCI CB

SUBJECT: DEPUTY PRIME MINISTER RECEIVES 2009 TIP REPORT;  
FOCUSED ON THE FUTURE

REF: A. PHNOM PENH 194

1B. 07 PHNOM PENH 1059

SENSITIVE BUT UNCLASSIFIED.

11. (SBU) SUMMARY: Ambassador Rodley delivered the 2009 Trafficking in Persons Report for Cambodia to Deputy Prime Minister and Minister of Interior Sar Kheng, during a meeting the afternoon of June 16. The DPM accepted the news of Cambodia's tier reduction, noting that Cambodia "has been there (on the Watch List) before." He also stated that the commitment of the Royal Government of Cambodia (RGC) to combating trafficking remains strong, but many of the issues raised in the report were beyond the control of the Ministry of Interior. He ended by expressing optimism about future multi-agency efforts to continue the fight against trafficking. Success will depend on the ability of all relevant Ministries to improve anti-trafficking efforts. END SUMMARY.

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Cambodia Drops to Tier 2 Watch List  
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12. (SBU) On June 16, Ambassador Rodley met with Deputy Prime Minister and Minister of Interior Sar Kheng to provide an advance copy of the 2009 Trafficking in Persons Report narrative on Cambodia to the RGC, and to discuss the problem of human trafficking in Cambodia. After one year at Tier 2, Cambodia fell back to the Tier 2 Watch List; the Ambassador emphasized the report's conclusions about weak enforcement and lack of progress by the RGC since the prior year. She focused in particular on the decline in numbers of prosecutions and convictions, telling the DPM "it's hard to argue with the numbers."

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Initial Reaction - We're Doing Our Best  
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13. (SBU) The DPM accepted the news of the lower tier placement. He noted that Cambodia has been on the Watch List before, that the trafficking issue has been evaluated extensively, and that the RGC has done its best to combat the problem. He believes that the RGC and USG have very good cooperation on anti-trafficking in general, and welcomed assistance from the Embassy to continue the fight. He said that the RGC commitment to combating trafficking has not diminished, illustrating this with a presentation about the RGC's efforts to reduce and control marriages between Cambodian nationals and foreigners that have been a source of trafficking concerns in the past. He pledged to encourage law enforcement officers and the courts to increase arrests and prosecutions. But he stated repeatedly that many of areas of recommendation contained in the report are beyond his control -- particularly prosecutions and convictions, which fall under the Ministry of Justice and the Supreme

Council of the Magistracy.

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Resource Commitments  
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¶4. (SBU) The Ambassador raised the issue of resources, especially operating budgets for police investigations. She acknowledged that police units have the will to conduct investigations and arrest traffickers, but they frequently lack basic resources to do so. Law enforcement agencies at Post, as well as NGOs in the field, have made clear that police often lack resources such as fuel for motorbikes or cars, handcuffs for restraining suspects, or cameras for documenting evidence. The Ambassador encouraged the DPM to consider putting more money into the police operating budget, and said that having a line item in the national budget for this purpose would be very helpful.

¶5. (SBU) The DPM agreed with these points, but said that the budget remains very limited. He said police officers try very hard and sacrifice a great deal in order to pursue trafficking investigations.

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Ly Vouch Leng  
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¶6. (SBU) The DPM raised the case of former President of the Appeals Court Ly Vouch Leng, and speculated that the controversy surrounding the dismissal of the case against her was a significant reason for Cambodia's tier reduction

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(Reftel A). He claimed the Appeals Court decision to overturn the convictions of the Chhay Hour II brothel owners was a big mistake, and said he understood that it created a suspicion of corruption by the judge (Reftel B). He stated that after an investigation, the police could not find enough evidence of official misconduct by Ly Vouch Leng. (NOTE: The only evidence against her was a witness account, which was contradicted by other witness accounts; the investigating judge dismissed the case. END NOTE). As for Ly's appointment to a staff position with the Council of Ministers, he stated that this was beyond his control, and that if he had known about it sooner he might have been able to intervene, but after the fact it was not possible.

¶7. (SBU) Ambassador Rodley pointed out that while the case may have been a contributing factor to the tier ranking, it was not the only factor, or even the most important one. She emphasized again the importance of improving enforcement of the anti-trafficking law.

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Focus on the Future  
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¶8. (SBU) The DPM stated a desire to focus on future action, and said he would appeal to all levels of government to focus on fighting trafficking. He said that a proposed merger of the National Task Force and the High-Level Working Group would involve officials from all relevant Ministries, and from the local and national levels. He confirmed that the proposed new structure is awaiting the approval of the Prime Minister. He also pledged to find out the status of the draft commentary on the trafficking law and the draft national minimum standards, and do what he could to push those forward.

¶9. (SBU) DPM Sar Kheng introduced Lieutenant General Kang Sokhorn as the new Deputy Commissioner General of the National Police in charge of justice. Lt. General Kang replaces Neth Savoeun, who was promoted to Commissioner General of the National Police after Hok Lundy died last November. Lt. General Kang oversees five departments within

the National Police, including the Anti-Human Trafficking and Juvenile Protection department. The DPM also asked his staff to gather statistics on arrests from all provinces and ensure all cases had been sent to the Ministry of Justice for judicial action. Poloff has since consulted with staff members at MOI and confirmed that this information-gathering is underway.

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COMMENT  
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¶10. (SBU) Despite his disappointment with the ranking, Sar Kheng took a positive approach by focusing on the future, and the desire for continued bilateral cooperation in combating trafficking. At the same time, his repetition of the fact that a large part of anti-trafficking policy is beyond his control demonstrates the need to seek greater commitment from all relevant Ministries and the judicial oversight body at the Supreme Council of the Magistracy. The Ambassador plans to meet with the Ministers of Justice and Women's Affairs in the coming weeks to discuss actions by those Ministries to improve the RGC's response to the problem. Emboffs also plan to speak with officials at the working level, and are developing a plan to help the RGC focus on key elements necessary to improve the shortcomings in its anti-trafficking efforts. Sar Kheng's lukewarm reception to the idea of increasing resources for police investigations may indicate that he does not control sufficient funds to make this happen. The Embassy may need to engage more with the Ministry of Economy and Finance and other relevant budget policy-makers to convince them to devote more support to police anti-trafficking efforts. END COMMENT.

RODLEY